

EXHIBIT 5

Highly Confidential - Samir Matta

Page 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

-----) No. 5:16-cv-10444
In re: Flint Water Cases) Hon. Judith E. Levy
-----) Mag. Mona K. Majzoub

IN RE FLINT WATER LITIGATION Case No. 17-108646-NO

Hon. Joseph J. Farah

JENNIFER MASON, et al.,) Case No.
on behalf of themselves) 16-106150-NM
and a class of all others)
similarly situated,) Hon. Joseph J. Farah
)
Plaintiffs,)
)
vs.)
)
LOCKWOOD, ANDREWS &)
NEWNAM, PC, a Michigan)
corporation, et al.,)
)
Defendants)

HIGHLY CONFIDENTIAL

July 21, 2020

REMOTE VIDEOTAPED DEPOSITION OF
SAMIR MATTA
VOLUME I

Remote videotaped deposition of SAMIR MATTA,
conducted at the location of the witness in
East Lansing, Michigan, commencing at 9:02 a.m., on
the above date, before CORINNE T. MARUT, C.S.R. No.
84-1968, Registered Professional Reporter,
Certified Realtime Reporter and Notary Public.

Highly Confidential - Samir Matta

Page 130

1 Q. Okay. Are you familiar with a company
2 called the Leo A. Daly Company?

3 A. Yes, I am.

4 Q. That's a company that you work for,
5 correct?

6 A. No, I don't work for Leo A. Daly.

7 Q. Okay. Who issues your paychecks?

8 A. I believe Lockwood, Andrews & Newnam.

9 Q. Okay. Are you sure about that?

10 A. I don't see it. It goes directly into
11 my bank account.

12 Q. So, you don't know whether it's
13 Lockwood, Andrews & Newnam or the Leo A. Daly
14 Company that actually sends you your paycheck?

15 MR. ERICKSON: Objection; asked and answered.

16 BY THE WITNESS:

17 A. All I know, I was hired by Lockwood,
18 Andrews & Newnam.

19 BY MR. CONNORS:

20 Q. Okay. Do you have a Leo A. Daly e-mail
21 account?

22 A. No, I don't.

23 Q. Do you use the Lockwood, Andrews &
24 Newnam logo in your correspondence that specifies

Highly Confidential - Samir Matta

Page 131

1 that it's a Leo A. Daly Company?

2 A. To tell you the truth, I don't know if
3 it has it on it or not. I know it says Lockwood,
4 Andrews & Newnam.

5 Q. All right. Well, where physically
6 during -- strike that.

7 Okay. In 2013, where was your office?

8 A. In Flint, Michigan.

9 Q. Okay. And that was an office that was
10 sort of co-owned by Lockwood, Andrews & Newnam and
11 Leo A. Daly Company, is that right?

12 MR. ERICKSON: Objection; foundation, assuming
13 facts not in evidence.

14 BY THE WITNESS:

15 A. I have no idea. I don't have the
16 contract.

17 BY MR. CONNORS:

18 Q. Okay. I'm going to share an exhibit
19 with you.

20 Okay. Can you see a document on the
21 page?

22 A. Yes, I do.

23 Q. Okay. This is an exhibit that has been
24 premarked Exhibit 6 during the Benes deposition.

Highly Confidential - Samir Matta

Page 132

1 Do you recognize Benes Exhibit 6?

2 A. Yes.

3 Q. What is it?

4 A. It's a sign outside the Flint office.

5 Q. Okay. So, the sign outside the Flint
6 office says, "Lockwood, Andrews & Newnam, Inc.,
7 A Leo A. Daly Company." Is that correct?

8 A. That's what it said.

9 Q. Okay. So, you see that sign?

10 MR. ERICKSON: What exhibit are we on?

11 MR. CONNORS: This is Benes Exhibit 6.

12 MR. ERICKSON: I know, but let's mark it for
13 today.

14 MR. CONNORS: I don't see any need to do that.
15 It's in the record as Benes Exhibit 6. I don't
16 think we need to mark it again.

17 MR. ERICKSON: I'm going to insist that we
18 mark it. We have been marking any exhibits
19 introduced even though they have been marked in
20 other exhibits -- excuse me -- in other
21 depositions.

22 MR. CONNORS: Okay. What's the exhibit
23 number?

24 THE REPORTER: Exhibit No. 12 is next.

Highly Confidential - Samir Matta

Page 133

1 (WHEREUPON, Matta Deposition Exhibit
2 No. 12 was marked for
3 identification: Photograph of sign
4 reading, "Lockwood, Andrews &
5 Newnam, Inc., A Leo A. Daly
6 Company.")

7 BY MR. CONNORS:

8 Q. So, Benes Exhibit 6 is a picture of your
9 physical office and the sign out front as of 2013,
10 correct?

11 A. I believe so.

12 Q. Do you still work out of this office in
13 Flint, Michigan?

14 A. No.

15 Q. When did you stop working in the Flint
16 office?

17 A. I do not recall, but we have an Okemos
18 office.

19 Q. I missed the last thing that you said.
20 We have a what office?

21 A. An office in Okemos, Michigan where I
22 work at.

23 Q. Does LAN and the Leo A. Daly Company
24 still maintain an office in Flint, Michigan?

Highly Confidential - Samir Matta

Page 134

1 MR. ERICKSON: Object to the form.

2 BY THE WITNESS:

3 A. As I indicated earlier, I don't know who
4 signed the contract.

5 BY MR. CONNORS:

6 Q. Okay. Does either company, LAN or
7 Leo A. Daly Company, still separate or own this
8 office in Flint, Michigan that you used to work
9 from?

10 MR. ERICKSON: Objection; foundation.

11 BY THE WITNESS:

12 A. I believe so.

13 BY MR. CONNORS:

14 Q. Okay. Did you run this office depicted
15 in Benes Exhibit 6 in 2013?

16 A. Yes.

17 Q. Okay. Generally can you describe what
18 your roles and responsibilities were in that
19 regard?

20 A. Approving time sheets, making sure staff
21 are working on project and meeting client
22 deliverable and deadlines.

23 Q. How many employees worked out of the
24 office depicted in Benes Exhibit 6?

Highly Confidential - Samir Matta

Page 135

1 A. I believe the five people I mentioned.

2 Q. Were there any others that you can think
3 of?

4 A. No.

5 Q. Okay. Are you aware of a leasing
6 agreement in which all of the employees who worked
7 for the City of Flint were Leo A. Daly employees
8 that were leased to Lockwood, Andrews & Newnam?

9 MR. ERICKSON: Objection; foundation.

10 BY THE WITNESS:

11 A. I don't understand your question.

12 BY MR. CONNORS:

13 Q. Are you aware of a leasing agreement in
14 which all of the employees who worked on the LAN
15 project for the City of Flint were actually
16 Leo A. Daly Company employees that were leased to
17 Lockwood, Andrews & Newnam?

18 MR. ERICKSON: Objection. You have asked --

19 BY THE WITNESS:

20 A. You are asking the wrong person.

21 MR. ERICKSON: And to the extent it calls --

22 (Clarification requested by the
23 reporter.)

24 MR. ERICKSON: My objection was to a lack of

Highly Confidential - Samir Matta

Page 136

1 foundation and to the extent it calls for a
2 conclusion of law.

3 BY MR. CONNORS:

4 Q. Sir, I'm asking the right person because
5 I want to know if you're aware of this leasing
6 agreement. Are you aware of that leasing
7 agreement?

8 A. No, I'm not.

9 MR. ERICKSON: Same objections.

10 BY MR. CONNORS:

11 Q. Do you know whether the payments for the
12 work performed for the City of Flint by LAN were
13 received by LAN or the Leo A. Daly Company?

14 MR. ERICKSON: Objection; foundation.

15 BY THE WITNESS:

16 A. I would refer you to our accountant.

17 BY MR. CONNORS:

18 Q. So, you don't know?

19 A. I don't see it, no, I don't.

20 Q. Okay. Is there someone in particular
21 you would ask to find the answer to that question?

22 A. I don't know where it goes, so I don't
23 know.

24 Q. Okay. Who is your go-to person in

Highly Confidential - Samir Matta

Page 137

1 accounting when you want to know which company is
2 actually receiving payments for a particular
3 project?

4 A. Each group has a different project
5 accountant. So...

6 Q. Okay. Who is the project accountant for
7 your group?

8 A. At this moment it is Heidi Krall. But
9 beyond that, I don't know.

10 Q. How do you spell her last name?

11 A. K-r-a-l-l.

12 Q. And what about in 2013 and 2014?

13 A. I could not tell you.

14 Q. Okay. Is Ms. Heidi Krall an employee of
15 Lockwood, Andrews & Newnam or the Leo A. Daly
16 Company?

17 A. I cannot answer that either.

18 Q. Okay. Do you know if Ms. Krall does
19 accounting for projects that Lockwood, Andrews &
20 Newnam does work on or Leo A. Daly does work on or
21 both?

22 MR. ERICKSON: Objection; foundation.

23 BY THE WITNESS:

24 A. You're asking the wrong person. I

Highly Confidential - Samir Matta

Page 138

1 already mentioned that.

2 BY MR. CONNORS:

3 Q. Well, I'm just trying to get your
4 understanding. So, if you don't know, you can say
5 you don't know. Do you know the answer?

6 A. I don't know. I don't know.

7 Q. Okay. On your screen is a document that
8 was marked Green Exhibit 25 during Mr. Green's
9 deposition. It will be Exhibit 13 for your
10 deposition, sir.

11 (WHEREUPON, Matta Deposition Exhibit
12 No. 13 was marked for
13 identification: Photograph of LAN
14 website, "Leadership.")

15 BY MR. CONNORS:

16 Q. And I want to ask you first, are you
17 familiar with the web page for Lockwood, Andrews &
18 Newnam?

19 A. Yes, I'm familiar with it.

20 Q. Do you regularly go onto that web
21 page and look at it?

22 A. No, I don't.

23 Q. Okay. Is Exhibit 13 familiar to you as
24 something printed from the Lockwood, Andrews &

1 Newnam web page?

2 A. It looks familiar.

3 Q. Okay. So, what is Exhibit 13?

4 A. It said, "Leadership." So...

5 Q. Do you recognize Exhibit 13 as being
6 something from the Lockwood, Andrews & Newnam web
7 page?

8 A. As I mentioned, I don't go to the
9 website, so I never been to that web page.

10 Q. So, you don't recognize this particular
11 page?

12 A. I haven't been on it, no, I don't.

13 Q. Okay. Do you know who Leo A. Daly III
14 is?

15 A. I heard his name, yes.

16 Q. Okay. Have you ever met Mr. Daly III?

17 A. No, I have not.

18 Q. Have you ever received any communication
19 from him or communicated with him in any way?

20 A. Not directly, no.

21 Q. Okay. What about indirectly?

22 A. I may have received some mailing.

23 Q. What do you recall in that regard?

24 A. I do not recall exactly what the